

OGC 63-3585

3 December 1963

MEMORANDUM FOR: Director of Central Intelligence

**SUBJECT: Comments on Proposed Legislation to
Protect Senior Officials**

1. This memorandum contains a recommendation submitted for approval of the Director of Central Intelligence. Such recommendation is contained in paragraph 5.

2. As a result of the assassination of President Kennedy, congressional attention is being focused on the protection offered by the Federal criminal statutes to the President, Vice President, and other senior Government officials. These statutes as they now stand are woefully inadequate. As has been recently pointed out on the floor of the Congress as well as in the press, the assassination of the President is not per se a Federal crime. This would also hold true regarding the assassination of various other high Government officials. Various bills and amendments have been proposed to close this gap in our Federal laws by making the killing of the President and the Vice President a Federal crime. Consideration is also being given at this time to covering the killing of Cabinet members and members of the Congress. None of the bills under discussion at the present time would cover the Director of Central Intelligence.

3. The extremely sensitive intelligence information possessed by the Director as well as his access to the highest levels of policy decisions need not be detailed here. The possibility of retaliation on

SECRET

the person of the Director as a result of certain covert actions abroad of the Agency cannot be ignored. The jurisdictional and investigative aspects of any such incident would be compounded by the very likely possibility that the Director at the time of such incident would be carrying documents of a sensitive nature. The need to avoid exclusive state jurisdiction and the necessity of establishing Federal jurisdiction is, we believe, self-evident.

4. While the deterrent value of any such statute is open to question, it is our opinion that coverage of the Director would be worthwhile so as to confer Federal jurisdiction over any such incidents. As matters now stand, if the Director were killed in a state jurisdiction, neither the act of killing nor his position as Director would insure Federal control of any investigation of the incident. The security problems which might occur as a result of the handling of an investigation here by state officials could at the very least prove to be exceedingly embarrassing both to the Agency and to the United States Government. The situation would also be as serious in the case where the Director was severely injured and perhaps unconscious as a result of an attack upon his person. In view of the lack of definitive Federal jurisdiction, the Federal Government would in effect have to hope for a cooperative attitude on the part of state authorities. The absence of state expertise in this area could very well prove to be disastrous insofar as Agency security is concerned. It is our opinion that a properly worded piece of legislation which enables Federal officials to claim jurisdiction over any such incident is necessary. The question of jurisdiction therefore is perhaps the most important reason for inclusion of the Director of Central Intelligence in any such legislation. The need for statutory coverage is, of course, also true of other senior officials of the Government. The importance of a number of non-Cabinet officials such as McGeorge Bundy is, we feel, a rather strong case in point.

5. At the present time it is impossible to foresee what, if any, legislation will be forthcoming on this subject. We

SECRET

therefore recommend for your approval in principle that this Office seek to include the Director of Central Intelligence^x in any proposed legislation in this area. We will then contact the appropriate officials and committees within the Department of Justice, Bureau of the Budget, and the Congress.

JOHN S. WARNER
Legislative Counsel

CONCURRENCE:

(S) R. L. Bannerman
Office of Security

5 Dec. 1963
Date

ILLEGIB

Concur MSC

The recommendation in paragraph 5 is approve

Director of Central Intelligence

Date

OGC:FJD:kms

Distribution:

Orig. - OGC

1 - DCI

1 - DDCI

1 - Ex. Dir.

1 - ER

1 - OS